

DATE: July 30, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0059
Administrative Review for Change of Ownership

Site Use:	Restaurant
Proposed Business Name:	Shanghai Peking
Applicant:	Yiwu Chen
Location:	506 North Henry Street (Parcel Addresses: 1111 Oronoco Street & 525 N. Fayette St.)
Zone:	CRMU-H/ Commercial Residential Mixed Use (High)

Request

Special Use Permit #2014-0059 is a request to change the ownership of a restaurant at 506 North Henry Street from Mei Duan Lin to Yiwu Chen. The applicant proposes no changes to the existing business and will retain the restaurant name of Shanghai Peking.

Background

The subject business is located in The Monarch (DSUP#2003-0019), a mixed-use building renamed as The Henry, and approved by the City Council on November 14, 2004. In 2008, the City Council approved SUP#2007-0124 for the operation of a restaurant at this location. City Council later granted SUP#2009-0035 in 2009 to increase seating, add on-premises alcohol service, limit hours of operation, and change ownership of the business

Although zoning regulations regarding signs were violated in 2009 and 2010, the one and three year inspections indicated that all SUP conditions were observed. On July 10, 2014, the change of ownership inspection revealed several SUP violations including the posting of hours of operation and public transportation information, litter, and the training of employees on SUP conditions. These violations were promptly corrected.

Parking

Section 8-200(A)(8) of the Zoning Ordinance requires a restaurant to provide one off-street parking space for every four seats. The applicant is required to provide nine off-street spaces for the restaurant with 26 indoor and up to ten outdoor seats. These spaces are provided on-site in the interior alley and in the underground parking garage accessed from Pendleton Street

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the West Old Town Civic Association has been informed of the change of ownership request. Staff has not received any comments from residents or adjacent businesses during the noticing period.

Staff Action

Staff views the change of ownership as a reasonable request and supports the proposal. The continued existence of a restaurant at street level would contribute to pedestrian activity and the urban vibrancy of the West Old Town neighborhood. Conditions have been carried forward from the previous SUP, although Condition 10 has been revised to reflect that staff has already approved up to ten outdoor seats. Additionally, Condition 19 has been deleted since it is no longer applicable. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: July 30, 2014
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0059

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2007-0124)
2. The dine-in and carry-out hours of operation shall be limited to 10:30am – 10:00 pm, Sunday through Thursday and 10:30am – 11:00 pm, Friday and Saturday. Delivery service shall be allowed to operate until 12:00 am daily. (P&Z) (City Council) (SUP#2009-0035)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2007-0124)
4. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2007-0124)
5. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2007-0124)
6. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets, and similar items shall not block the visibility of the interior of the store from the street. To the extent possible, the applicant shall provide seating/dining areas adjacent to the Henry Street windows. (P&Z) (SUP#2007-0124)
7. The window on the courtyard must have lighted display and/or signage to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)
8. The vestibule wall must allow the interior of the restaurant to be visible from the street to ensure an active street presence. (P&Z) (SUP#2007-0124)
9. The applicant must supply a trash removal plan to prevent the degradation of the interior courtyard to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)
10. **CONDITION AMENDED BY STAFF:** The restaurant shall contain a minimum of 12 seats and a maximum of 26 seats indoors. ~~Upon request by the applicant, staff may administratively approve outdoor dining of up to 10 seats on the site. An additional 10 outdoor seats are permitted at the site to the satisfaction of the Director of Planning & Zoning.~~ (P&Z) (SUP#2009-0035)
11. All exterior signage must be compatible with the Monarch development to the satisfaction of the director of Planning & Zoning. (P&Z) (SUP#2007-0124)

12. The maximum number of delivery vehicles operating from this restaurant shall be one (1). Delivery drivers must use off-street parking at all times. (P&Z) (SUP#2009-0035)
13. The applicant shall not permit carryout customers to loiter outside the business. (P&Z) (SUP#2007-0124)
14. Condition superseded by state law and deleted by staff. (P&Z) (SUP#2009-0035)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2007-0124)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP#2007-0124)
17. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2007-0124)
18. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2007-0124)
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2007-0124)~~
20. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2007-0124)
21. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2007-0124)

22. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0124)
23. **CONDITION AMENDED BY STAFF:** The applicant is to contact the Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding a security survey for the business and robbery readiness training for all employees. ~~(Police) (SUP#2007-0124)~~ (P&Z)
24. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0124)
25. Supply deliveries, loading or unloading activities shall not occur between the hours of 11:00pm and 9:30 a.m. daily, or between 4:00 p.m. and 6:00 p.m. Monday through Friday. (P&Z) (SUP#2009-0035)
26. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2007-0124)
27. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z) (SUP#2009-0035)
28. On-premises alcohol service may be permitted only from 11:00 a.m. to 10:00 p.m. each day, but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2009-0035)
29. Each day after the restaurant closes, tables and chairs used for outdoor dining shall be either brought inside the restaurant or stacked and secured outside in such a manner to preclude their after-hours use. (P&Z) (SUP#2009-0035)
30. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after 10:00 p.m. and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2009-0035)
31. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2009-0035)
32. **DUPLICATE CONDITION DELETED BY STAFF:** ~~Provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2009-0035)~~

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0059. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 506 North Henry Street.

Applicant – Signature

Date

Applicant – Printed

Date